

Express Mail Label No.: EM 103188047US
Date of Deposit: December 12, 2007

Attorney Docket No. 24631-501



12-14-07 3694
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Kaplan, et al.	CONFIRMATION NUMBER:	7268
SERIAL NUMBER :	10/043,899	EXAMINER :	Cheung, Mary Da Zhi Wang
FILING DATE :	January 11, 2002	ART UNIT :	3694
FOR :	ANONYMOUS AUCTIONING OF STRUCTURED FINANCIAL PRODUCTS OVER A COMPUTER NETWORK		

MAIL STOP AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above-referenced patent applications are the following documents:

1. Response to Notice of Non-Compliant Amendment Corrected Response
To Restriction/Election Requirement Dated March 7, 2007 (3 pgs.);
2. Copy of Notice of Non-Compliant Amendment (37 CFR 1.121) (2 pgs.); and
3. Return Postcard.

Applicants believe that no fees are due in connection with this submission, however, the Director is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. **50-0311**, Reference No. **24631-501**, Customer Number: **35437**.

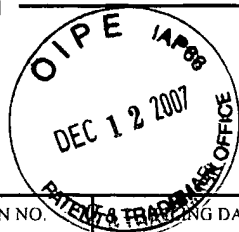
Dated: December 12, 2007

Respectfully submitted,

Brian P. Hopkins, Reg. No. 42,669
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
Chrysler Center; 666 Third Avenue – 24th Floor
New York, New York 10017
Telephone: (212) 935-3000
Telefax: (212) 983-3115
Customer No. **35437**



UNITED STATES PATENT AND TRADEMARK OFFICE



COPY

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	------------	----------------------	---------------------	------------------

10/043,899

01/11/2002

Harry A. Kaplan

24631-501

7268

7590
Brian P. Hopkins
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111

11/16/2007

RECEIVED

NOV 19 2007

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<input checked="" type="checkbox"/> Data Entry	Done By
<input checked="" type="checkbox"/> Docket Entry	LD
<input type="checkbox"/> Docket Cross Off	12/16/07
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> ELITE	SLIP/LOS
<input type="checkbox"/> Annuities	FINAL

DEC 12 2007
U.S. PATENT & TRADEMARK OFFICE

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/043,899

Examiner

Mary Cheung

Applicant(s)

KAPLAN ET AL.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 04 September 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 5 Other: The applicant elected Group I (claims 1-41, 62), but fail to elect one of the species of Group I. See page 4 paragraph 7 of the restriction mailed on March 7, 2007..

A handwritten signature in black ink, appearing to read "Mary D. Cheung", with a long, sweeping horizontal stroke extending to the right.

MARY D. CHEUNG
PRIMARY EXAMINER